

***Policy Committee Meeting Minutes***  
*Connect for Health Colorado Meeting Room*  
*East Tower, Suite 1025*  
*3773 Cherry Creek N Dr., Denver, CO 80209*  
**November 28, 2016**  
**3:30 PM – 5:30 PM**

**Board Members Present:** Adela Flores-Brennan, Jay Norris, Sharon O’Hara and Marc Reece

**Staff Present:** Brian Braun, Traci Butzen, Luke Clarke, Beth Deines, Saphia Elfituri, Judith Jung, Kevin Patterson and Lisa Sevier

**I. Welcome and Introductions**

Sharon O’Hara chaired the Policy Committee Meeting and called the meeting to order at 3:30 p.m., welcoming those in attendance, both in-person and on the phone. The October Policy Committee Minutes were voted on and approved.

**II. Board Advisory Group Report Out**  
**SEP Verification Project**

Judith Jung, Chief Operating Officer, gave a brief update on the Board Advisory Group’s decision to conduct a Special Enrollment Period (SEP) verification survey. The goal of the survey is to help define if there is an issue with retrieving documentation to verify the use of an SEP; as well as the level of utilization of healthcare for members who enroll during an SEP. This is to help determine if there is a need for further policy around the use of SEPs. The focus of the project is to determine the following:

- Do members reporting LCEs resulting in an SEP provide verifiable documentation?
- Is documentation verified?
- Do members reporting LCEs resulting in an SEP demonstrate higher healthcare costs/benefit utilization than those members enrolling during the standard Open Enrollment Period (OEP)?
- Do members reporting LCEs resulting in an SEP have a lower average coverage span than those members enrolling during the standard OEP?

Connect for Health Colorado will conduct a random sampling of SEP’s and create a report of the results.

**III. Post-Election Possibilities**

Kevin Patterson, Chief Executive Officer, gave a brief overview of three possible strategic opportunities moving forward through the post-election landscape.

1. Work with colleagues across the nation, including the National Association of Health Plans, Medicaid Directors and State Exchange Directors, to determine how to determine the best strategic path.
2. Work with the congressional delegation to establish post-election opportunities that include access, affordability and choice for Coloradans.

3. Continue working with the state, including the Colorado Health Insurance Exchange Oversight Committee, the Committees of Reference for Health, our partners, community leaders and stakeholders. This includes ongoing conversations as well as future conversations.

Kate Harris, Director of Policy and Research, gave a review of post-election potential impacts to Connect for Health Colorado:

- Potential impacts of federal changes
  - President-Elect Trump has promised to repeal and replace the Affordable Care Act (ACA) as quickly as possible.
  - Varying timelines for federal changes to the law have been proposed. Right now, it is unclear when current ACA regulations may change.
  - Plans sold for 2017 will not be canceled mid-year, so long as enrollees pay their monthly premiums on time.
- Federal considerations
  - Congress may repeal aspects of the ACA, however:
    - Generally, Senate bills need a 60-vote supermajority in order to overcome a filibuster by the minority
    - Budget reconciliation may be used, which could affect funding for ACA provisions
  - HR 3762, which would end ACA regulations such as:
    - Premium tax credits, cost-sharing reductions, small business tax credit
    - Employer and Individual mandate
    - Medicaid Expansion and CHIP (Children's Health Insurance Program) funding
  - Certain provisions of the law are highly popular and have bipartisan support, such as:
    - Ban on excluding individuals from coverage based on pre-existing conditions
    - Allowing young adults to remain on their parents' plans until age 26
  - Budget reconciliation probably could not be used to repeal many of the insurance reform provisions of the ACA, such as:
    - Ban on pre-existing conditions
    - Caps on annual and lifetime dollar limits
    - Any provisions unrelated to spending.
- Federal considerations: supreme court
  - A Trump Administration will impact the composition of the Supreme Court in a way that could affect the outcome of at least one case directly related to the ACA.
- Federal considerations: possible scenarios
  - Republicans have offered various proposals for health reform:
    - President-Elect Trump's healthcare platform
    - Paul Ryan's A Better Way healthcare reform plan
    - H.R. 3762 (budget reconciliation bill)
  - Overlapping themes in the proposals:

- Portable and non-advanced tax credits to help purchase health insurance
  - Expansion of HAS/HRAs and reinstatement of high-risk pools
  - Ability to sell health insurance across state lines
  - Retaining ban on pre-existing conditions limitations
- State impacts to consider:
  - Connect for Health Colorado was enacted through SB 11-200, which had bipartisan support.
  - Our mission of increasing affordability, access, and choice for Coloradans remains the same.
  - Connect for Health Colorado has successfully worked within rapidly changing state and federal regulations in the past and will continue to work with partners, stakeholders, and legislators as any changes to the ACA are proposed or implemented.
- Potential next steps:
  - Multi-agency coordination to prepare responses and contingency plans for federal changes to the ACA.
  - Collaboration and information-sharing with other state-based marketplaces.
  - Clear communication from Connect for Health Colorado to internal staff, our Board of Directors, Advisory Groups, Legislative Oversight Committee, external stakeholders, and our customers.
  - Communicate potential value of high number non-financial enrollments.
  - Raise awareness of decision support tools to help customers fully understand their options.
  - Continue to explore additional opportunities through the Public Benefits Corporation and Ancillary Products.

#### **IV. Public Comment**

Public comment was given by:

Deb Judy, Policy Director with Colorado Consumer Health Initiative

Bethany Pray, Colorado Center on Law and Policy

Brad Niederman, Member of the Colorado State Association of Health Underwriters and Broker with Niederman Insurance Company

Tammy Niederman, Colorado Choice Health Plans

Meeting adjourned at 5:10 p.m.

Respectfully submitted,

Sharon O'Hara

Policy Committee Chair